

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING MINUTES

August 3, 2016

7:30 P.M.

Room 206, Town Hall

Mr. Joosten called the meeting to order at 7:30 P.M

Commission Members Present: Eric Joosten, Susan Mackenzie, Gunner Edelstein, Keith Kearney and Lucia Zachowski

Staff: Jacobson

Reporter: Syat

Channel 79 recorded.

Mr. Joosten called the following agenda item:

Notice of Encroachments within a Conservation Easement, Donald & Susan Young, 455 Mansfield Avenue

Mr. Jacobson said that Mr. Young and the other parties have a tentative agreement to provide a sewer easement. The sewer easement map would be combined with a conservation easement swap for the area with the encroachments. Mr. Young hopes to have a proposal to the Commission in time for the September 7 meeting.

Mr. Joosten called the following agenda item:

Notice of Encroachments within a Conservation Easement, Nicholas Sordoni, 21 Tower Drive

Mr. and Mrs. Sordoni were present with Bill McKinney of Habitat Restoration Services.

Mr. Jacobson said he met with Mrs. Sordoni and Mr. McKinney and discussed a course of action for invasive removal and habitat management. He said in his opinion there is substantial value in the proposed management of the easement since nothing was done to improve the easement when it was created. He said if the Japanese Stilt Grass is not controlled the easement will be overrun within a year. He said the homeowner would be under no obligation to do anything if they are required to remove all activity from the easement. He said the mowed area should be significantly reduced.

Mr. McKinney gave his qualifications and said he manages three of the largest Darien Land Trust properties for invasive species control.

Ms. Zachowski said that there might be an accommodation for some use of the property if the owner implements a restoration plan including additional plantings.

Mr. Edelstein said he visited the property and spoke to Mrs. Sordoni and she seems committed to making the property better. He said if something isn't done the invasives will continue to spread.

Mr. Jacobson said the way the easement was designed so close to the house, and the lack of any management plan at the time of development of this site, is not consistent with the way the Commission would do things today. He said ideally there would have been some living space behind the home and a management plan for the easement implemented by the builder as part of the permit process.

Mr. Kearney said that it seemed to him that this easement was always going to be violated, even if inadvertently, since it is so close to the house. He asked if this should be revisited on an annual basis. Mr. Jacobson said yes, and in addition it should be reviewed starting in the fall of this year.

It was the consensus of the Commission that Mrs. Sardonni should begin to implement the plan, starting with the mowed area this summer and fall, and the Commission will revisit the matter in October or November. The Commission did not approve the encroachments and reserves the right to enforce the provisions of the easement in the future. The Commission will review the matter on a periodic basis to assess how the plan is being implemented.

Ms. Zachowski said it should be clear that no additional encroachments are permitted.

Ms. Mackenzie said she is uncomfortable with the fact that the playhouse was added when the other structure was required to be removed, but as long as there is not a formal vote she is in agreement for now.

Mr. Joosten called the following agenda item:

EPC-14-2016, Long Island Brothers, LLC, 23 Lynn Court, proposing replacement house and related construction within an upland review area, and stream bank reconstruction within a watercourse. The site is shown on Assessor's Map #31 as Lot #23.

The Commission reviewed the draft approval. Ms. Zachowski moved to approve the application subject to conditions that will be set forth in the approval to be sent to the applicant. Ms. Mackenzie seconded the motion and it passed 5-0.

Mr. Joosten called the following agenda item:

EPC-22-2016, Walter Tabasheck, 25 Salisbury Road, proposing drainage improvements within a regulated area and upland review area. The site is shown on Assessor's Map #1 as Lot #102.

The Commission reviewed the draft approval and made corrections. Mr. Edelstein moved to approve the application with the revisions to the draft and subject to conditions that will be set forth in the approval to be sent to the applicant. Ms. Mackenzie seconded the motion and it passed 5-0.

Mr. Joosten called the following agenda item:

EPC-23-2016, Pike & Leslie Aloian, 14 Dorchester Road, proposing to pipe an intermittent watercourse. The site is shown on Assessor's Map #1 as Lot #14.

The Commission reviewed the draft approval and made corrections. Ms. Mackenzie moved to approve the application with the revisions to the draft and subject to conditions that will be set forth in the approval to be sent to the applicant. Ms. Zachowski seconded the motion and it passed 5-0.

The Commission did not alter or reject the following Agent approvals:

EPC-25-2016, Mark & Catherine Highton, 31 Blueberry Lane, second floor addition and porch.

EPC-26-2016, Patricia Marie Leger, 10 Spring Grove Street, stone wall and rain garden construction.

EPC-27-2016, Gregory & Allison Melich, 15 Shagbark Road, garage & pool house construction.

Mr. Joosten called the following agenda item:

Update on 10 Nickerson Lane, Mitchell & Kerry Ross: DEEP requirements resolved, upland review area and CAM area being resolved.

Mr. Jacobson said the sand in the DEEP jurisdictional area was removed within a week of it being placed to the satisfaction of the DEEP. He said the owner has created a planted buffer consistent with the original plan at the time the house was approved. Mr. Jacobson said he and Mr. Ginsberg may require removing additional sand. He said the appearance of a fine coating of white sand makes it look like nothing has been done when viewed from a distance.

#### DEEP Legal and Administrative Updates

The Commission discussed the topic of expert testimony at public hearings and recent legal decisions that were presented at the DEEP workshops attended by Mr. Joosten, Ms. Mackenzie and Mr. Jacobson.

Ms. Mackenzie moved to approve the minutes of July 6 as amended. Ms. Zachowski seconded the motion and it passed 4-0-1. Mr. Edelstein abstained.

Ms. Mackenzie moved to adjourn. Ms. Zachowski seconded the motion and it passed 5-0.

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Richard Jacobson  
Environmental Protection Officer